Government of Maharashtra
General Adminidtration Department
Government Resolution No. DIT065/CR1/2018
Mantralaya, Mumbai-400 032
Date:17th February, 2018

Read- (1) DIT GR No. DIT/File-03/336, Date-01.04.2006

Introduction-

The Government of Maharashtra has been taking pro-active steps to realize the vision of the Digital India program in the State. Under the Bharat Net program, the State Government will ensure provision of high speed internet connectivity to all the Gram Panchayats in the State. Maharashtra, with a tele density of 93% is a State with one of the highest number of users of mobile phones. The State Government intends to use this dense mobile network to deliver citizen centric services to the citizen so that she/he can access services in the comfort of their homes without having to access a Government office. Information Technology department intends is preparing the State for shift from e-Governance to M-governance. All these initiatives require the existence of a strong telecom infrastructure with excellent Quality of Service (QoS) standards.

Industry associations & telecom service providers from time to time have highlighted the various issues which need to be resolved to ensure speedy augmentation of the telecom infrastructure in the State.

At present, these two activities of Right of Way permission & mobile tower infrastructure permissions are governed by two different sets of regulations issued by Department of Information Technology & Urban Development Department respectively. Multiplicity of agencies and Departments dealing with permissions is resulting in an avoidable overlap and delays. Applicants have to go to different agencies for NOCs, payments, permissions even for a single application. It would be desirable to eliminate this multiplicity of agencies and designate Department of Information Technology as the nodal agency for the entire gamut of activities involved with setting up and maintenance of telecom infrastructure.

Government of India issued notification dated 15.11.2016 for installation of Telecom infrastructure. The rules are called as Indian Telegraph Right of Way Rules, 2016. These rules inter alia specify the method of application of by a licensee, points of scrutiny by the appropriate authority before grant of permission, obligations of licensee in undertaking the work and powers of the appropriate authority to supervise the work for underground and overhead telegraph infrastructure. It is proposed to prepare an integrated framework of the State Government for handling issues related to setting up of telecom infrastructure in the State which is aligned with the rules of the Government of India referred to above. Hence, the issue of comprehensive guidelines

regarding setting up of telecom infrastructure in the State was under the consideration of the Government.

Government Resolution-

Department of Information Technology is designated as the nodal Department & Principal Secretary (IT) as nodal officer for the entire gamut of activities involving setting up and maintenance of telecom infrastructure (mobile towers, micro cells, right of way permissions for laying optic fibre cable and similar activities) in the State.

This policy and instructions issued consequent to this policy will be in supercession of all earlier instructions issued by DIT or other Departments in this regard. The Government will notify the date (not later than 1.5.2018) of the coming into force of this policy.

A Telecom Tower policy

(2) Notwithstanding the land use provisions under the relevant Development Control Regulations (DCR) pertaining to any Development Plan (DP) or Regional Plan (RP) & subject to the compliance of other guidelines of the Urban Development Department, it shall be permissible to install Telecom Cell Site (TCS)/Base Station (BS) /Mobile tower, henceforth referred to as “mobile tower” on ;-

a) all land uses as earmarked in any DP or RP,

b) all lands which are designated for non-buildable reservations in any DP or RP, subject to the condition that the maximum permissible area for installation of such mobile tower shall not be more than 5% of the area of the reserved site or 100 sqm, whichever is less, and shall be located in one corner of the reserved site.

c) all lands which are designated as open spaces / recreational open spaces / recreational grounds in a sanctioned layout, where such installation shall be permissible only with the no-objection certificate of the concerned registered co-operative housing society or consent of 70% of the total number of legal occupants/ plot holders of such layout, subject to the condition that the maximum permissible area for installation of such mobile tower shall not be more than 5% of such area or 100 sqm, whichever is less, and the same shall be located in one corner of such area.

d) all buildable reservations in any DP or RP, (except for buildings of schools, colleges and hospitals), where such installation shall be permissible on the roof top, but only after development of the said reservation.

e) in slum areas according to the existing development control rules for slum areas and in accordance with Government of India guidelines for setting up mobile towers.

f) Buildings owned by the Departments of the State Government, urban and rural local bodies, public sector undertakings of the State Government and other agencies of the State Government

(3) Within two months, the Departments of the State Government, urban and rural local bodies, public sector undertakings of the State Government and other agencies of the State Government will submit to the Directorate of Information Technology (DIT) a list of buildings and structures on which mobile towers can be installed. A similar list of buildings and structures on which micro cells can be installed should also be submitted. In case there are buildings where the owner Department/agency/institution is of the view that mobile towers cannot be installed, it should mention the reasons for the same & send such a list to Department of Information Technology. If an applicant wants to set up a mobile tower/micro cell on any such places, building/structure under the list, the consent of the owner (department / Undertaking concerned) of the building/structure need not be obtained again. However, other permissions/NoC as per existing rules and regulations by Department of Information Technology will be required as may be prescribed.

(4) Installation of mobile tower on private buildings and lands shall conform to the guidelines of Government of India dated 1.8.2013.

(5) The maximum time limit (across all Departments and authorities) for giving permission for setting up Telecom Infrastructure will be 30 days from the date of submission of application. If no decision is communicated within 30 days, it will be considered as deemed permission.

(6) The amount of administrative charges for applications regarding installation of mobile tower will be Rs. 10000 per mobile tower/micro cell. A Committee headed by Principal Secretary (IT) and with Secretaries of Urban Development, Rural Development, Public Works and Forest Department as members is authorised to make upward revisions in the amount of administrative charges time to time.

(7) Validity of the permission for installation of mobile tower shall remain valid for next 5 years from the date of permission, after which the telecom service provider can apply for renewal of permission.

(8) Guidelines issued from time to time by the Government of India regarding adherence to the limit of electromagnetic emissions & Radiation will be applicable to all organizations as well as applicants.

(9) Urban / Rural development Department shall issue detailed instructions to Urban / Rural Local Bodies regarding grant of approval to mobile towers and necessary documents to be submitted for the same.

B. ROW policy:

1. The maximum time limit (across all Departments and authorities) for giving to Right of Way will be 30 days from the date of submission of application.

2. If no decision is communicated within 30 days, it will be considered as deemed permission.

3. Licenced Telecom service providers should apply with the documents listed in Annexure “A” to lay Optical Fibre Network along with the state highways / roads in the State.

4. The competent authorities to provide Right of Way permission will be as follows-

a) Chief Executive Officer of CIDCO / Maharashtra Industrial Development Corporation etc.

b) The concerned Chief Engineer, Public Works Department, will give permission to lay Optical fibre cable along the National High way.

c) The concerned Chief Engineer, Public Works Department, Government of Maharashtra will give permission for the Express highway, highway, the main highway, the main district road and other district roads in the state.

d) The Chief Executive Officer of the Zilla Parishad will give permission to lay Optical fibre cable along the main district road, other district roads of local area.

e) Chief Forest Conservator, Nagpur will give approval to lay OFC on forest land.

5. In respect of network through private land, the concerned revenue officer should take action according to section 49 of Maharashtra Land Revenue Code, 1966.

6. In case of network through forest land, Principal Chief Conservator should take action according to Government Resolution of Revenue and Forest Department no. FLD1000 / CR301 / F-10, dated Letter from October 16, 2001 and letter of Government of India. No. 11-9/98 / FC, dated 16th October, 2000.

7. The competent authorities mentioned in paragraph 4 will validate the detailed road map within 15 days from the date of receipt of the application. The authority will be able to suggest an alternative way of doing network work. The competent authority can make suitable changes in the route and / or the method of reinstatement. It will then be jointly signed.

8. The competent authorities mentioned in paragraph 4 can direct the applicants to lay optic Fibre Cable through Ducts/ conduits during construction or repair of highways / roads to prevent frequent excavation of the roads.

9. Administrative and Reinstatement charges are to be paid online by applicants before granting permission. Reinstatement charges will be decided as per type of the road (Concrete Road, Tar Road, Cart Road, etc.) to the extent needed as per the technical specifications. The reinstatement charges will be decided by Urban Local Bodies.

10. Indicative Annual action plan for laying optic fibre should be submitted by all Telecom service provider to DIT and concerned ULB/local body/competent authority by 31st July of every year.

11. The system will have a provision for automatic and online transfer of this amount to various stake holders.

12. The amount of administrative charges for laying of optical fibre will be Rs. 1000 per km of fibre. A Committee headed by Principal Secretary (IT) and with Secretaries of Urban Development, Rural Development, Public Works and Forest Department as members is authorised to make upward revisions in the amount of administrative charges time to time.

13. Exemptions in administrative charges will be given for optic fibre laying under Bharat Net project and for projects of the state Government and Central Government of India. Restoration charges will be paid by project system Integrator.

14. In addition to the administrative charges as above, offices of Departments of State Government/local authorities as notified by Department of Information Technology from time to time shall be eligible for obtaining 2 MBPS free internet bandwidth (with free bandwidth being provided for a period of 3 years from the date of installation and at 50% concessional rates for the next 2 years, after which regular rates will apply) from the Telecom Service Provider who is being provided Right of Way. However, this will be limited to offices within range of 100 Meters from the nearest aggregation point of the telecom operator to whom permission has been granted. The total number of connections required to be provided by the telecom service provider will be as follows-

    a. Mumbai- 40 connections.
    b. Nagpur/Pune- 25 connections each.
    c. All Urban Local bodies/Local Bodies and Government offices in the State- 15 connections each.

15. TSPs will be required to cover only offices where the requirement of additional cable length will be less than 100 metres on the same side of the road. In case the distance of the office exceeds 100 metres or if it involves road crossing, the office concerned will have to bear the additional charges (one-time) of installation.

16. No other tax, fee, cess or surcharge will be levied by local authorities. All other charges will be subsumed in the administrative charges to be paid to Department of Information Technology. Department of Information Technology is authorised to fix the ratio of sharing of the administrative charges with the local authority/Departments, subject to a minimum of 65%, with a payment/SMS/email gateway.

17. DIT will set up an online platform in the form of a single window portal for grant of various permissions required for setting up and maintenance of telecom infrastructure.

    a. Any agency requiring permissions should make an online application seeking the necessary permissions only through the portal with necessary documents and maps. The applicants will be required to provide details of the proposed infrastructure assets on a standards based inter-operable GIS platform.

    b. The portal should have a facility for making online payments of all charges. Payments will be accepted only through this portal.

    c. Applicants and local bodies will be given login ID's / passwords by Department of Information Technology.

    d. Till the online platform is activated, applications can be accepted in hard copy format. However, all other aspects of this policy will apply from the date of coming into force of the policy.

18. Principal Secretary IT will be dispute resolution officer for any dispute arising between licensee and the appropriate authority in consequences of the policy.

19. This Government resolution is being issued as per the approval granted in the meeting of the Cabinet held on 30.01.2018.

This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in Reference no. for this is 201802172211352211. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

S V R Srinivas

Digitally signed by S V R Srinivas
DN: c=IN, postalCode=400020, st=Maharashtra, 2.5.4.20=31d35fda97cba0c6a6c5e2ca7125fd8ba7f7201a47f0e71dbf230047862bd061, serialNumber=914d8a9c1092ca4b44280033c71560ea75b2d56dcb4d3fc1f81eb6dfc5fcbe63, cn=S V R Srinivas
Date: 2018.03.03 13:37:34 +05'30'

(S.V.R. Srinivas)
Principal Secretary
Information Technology,
Government of Maharashtra

Copy to-

1) Principal Secretary to Chief Minister, Mantralaya
2) Principal Secretary to Revenue Minister, Mantralaya
3) Principal Secretary to State Revenue Minister, Mantralaya
4) Chief Secretary, Mantralaya
5) Principal Secretary, Urban Development Department, Mantralaya
6) Principal Secretary, Industries, Mantralaya
7) Secretary, Rural Development Department, Mantralaya
8) Secretary (Roads), Public Works Department, Mantralaya

9) All other Mantralaya Departments, Mantralaya, Mumbai-32

Copy for necessary action-

10) All Divisional Commissioners.
11) All District Collectors
12) Jamabandi Commissioner & Director, Land Records, Maharashtra State, Pune.
13) All Municipal Commissioners
14) All Chief Officers, Municipal Councils / City Councils
15) All Chief Executive Officers of Zilla Parishads
16) Chief Executive Officer, MIDC
17) Chief Engineer, PWD, Mumbai / Pune / Nashik / Aurangabad / Nagpur / Amrawati
18) Chief Engineer, National Highway, Konkan Bhavan, Navi Mumbai
19) Managing Director, CIDCO
20) Principal Chief Conservator of Forests, Nagpur.

Annexure "A"

Document list necessary for Optical Fiber Right of Way

i. A copy of the license obtained from the Department of Telecommunications, Government of India.

ii. Proposed networks route map and land ownership details